

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMAR MCCULLOUGH,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
JEROME WALSH, et al.,	:	NO. 13-3421
Respondents.	:	

ORDER

AND NOW, this 27th day of June, 2013, upon consideration of the Petition for a Writ of Habeas Corpus and accompanying Memorandum of Law, and following upon the referral from the Honorable Harvey Bartle III for preparation of a Report and Recommendation, **IT IS ORDERED** that:

1. The Clerk of this Court **SHALL SERVE** upon the District Attorney of Philadelphia County the Form Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254, with appended brief and exhibits (Doc. 1);

2. The District Attorney of Philadelphia County **SHALL FILE** on or before August 15, 2013 a response to the petition pursuant to Rule 5 fol. 28 U.S.C. § 2254. *This response is to provide Respondents' position on Petitioner's request that the Court stay consideration of his petition;*¹ and

¹ See Mem. of Law at 5-6. Petitioner's request arises from the pendency of various appellate cases considering the retroactive applicability of *Graham v. Florida* and *Miller v. Alabama* to persons such as himself, who received a mandatory life-without-parole sentence in state court for conviction of a murder committed as a juvenile but whose convictions were final prior to the Supreme Court's issuance of these decisions.

3. Should Petitioner wish to file a reply to the response, his reply **SHALL BE FILED** within thirty (30) days after service of the response.

BY THE COURT:

/s/ David R. Strawbridge, USMJ
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE